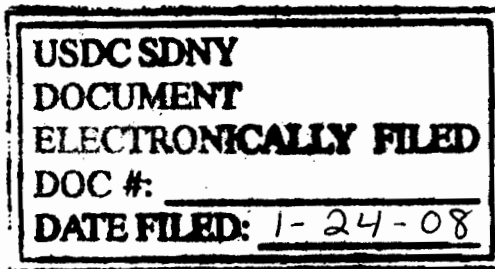


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Attorneys for Plaintiff
ORGANOGENESIS, INC.

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

ORGANOGENESIS, INC.,

Plaintiff,

-against-

ADVANCED BIOHEALING, INC.,

Defendant.

Civil Action No. 08CV875 (AKH)

Order to Show Cause

Upon reading the filing of Plaintiff Organogenesis, Inc.'s ("Plaintiff" or "OI"), including the accompanying declaration of Patrick Bilbo, sworn January 22 2008, with exhibits annexed thereto, the declaration of Savalle C. Sims, sworn January 24, 2008, with exhibits annexed thereto, and the summons, complaint and memorandum of law submitted therewith, and

WHEREAS, OI is the manufacturer, distributor, and owner of all rights in a bio-active product derived from human skin cells that is used to help heal and repair chronic sores and regenerate skin by stimulating the body's healing process known as Apligraf® ("Apligraf");

WHEREAS, in December 2007, OI began implementing a recall of two packaging lots of Apligraf containing a total of 177 distributed potentially contaminated units of Apligraf (the "Apligraf Recall");

WHEREAS, OI sent a letter to each of its physician customers who had received an affected Apligraf unit (the “Apligraf Recall Letter”);

WHEREAS, Defendant Advanced BioHealing, Inc. (“Defendant” or “Advanced BioHealing”) has disseminated false and misleading communications regarding Apligraf and the Apligraf Recall to an unknown number of OI Apligraf customers, potential Apligraf customers, and other wound care practitioners, including the electronic mail message sent by Advanced BioHealing on January 8, 2008 and the electronic mail message sent by Advanced BioHealing on January 14, 2008 which are defined in Patrick Bilbo’s declaration as the “Advanced BioHealing Communication” and the “Additional Advanced BioHealing Communication”;

WHEREAS, the Advanced BioHealing Communication and the Additional Advanced BioHealing Communication contain false and misleading statements regarding Apligraf and the Apligraf Recall;

WHEREAS, Advanced BioHealing’s actions have interfered with OI’s implementation of the Apligraf Recall;

WHEREAS, Advanced BioHealing’s actions have caused confusion among OI’s customers;

WHEREAS, Advanced BioHealing’s actions have potentially harmed the Apligraf Brand;

WHEREAS, Advanced BioHealing has caused irreparable harm to OI both with respect to hindering the Apligraf Recall specifically and injury to Apligraf generally in the marketplace;

WHEREAS, OI requires expedited discovery to ameliorate the irreparable harm and facilitate the Apligraf Recall;

WHEREAS, OI has demonstrated that an order granting OI's Motion for Expedited

Discovery is proper;

It is therefore **ORDERED** that Defendant Advanced BioHealing show cause before this Court, United States Courthouse, Room 141, 500 Pearl Street, New York, New York, on 1/29/08 at 10:00 AM, or as soon thereafter as counsel can be heard, why an order for a preliminary injunction should not be entered together with a temporary restraining order pending hearing and determination of the motion for preliminary injunction:

(1) enjoining Advanced BioHealing, its officers, agents, servants, employees, and its attorneys, and all those acting in active concert or participation therewith, during the pendency of this action, from sending, transmitting, or communicating Advanced BioHealing's electronic mail message dated January 8, 2008 (the "Advanced BioHealing Communication") and Advanced BioHealing's electronic mail message dated January 14, 2008 (the "Additional Advanced BioHealing Communication") to individuals or entities whatsoever, including OI's customers;

(2) enjoining Advanced BioHealing, its officers, agents, servants, employees, and its attorneys, and all those acting in active concert or participation therewith, during the pendency of this action, from sending, transmitting, or communicating the Apligraf Recall Letter to any individuals or entities;

(3) enjoining Advanced BioHealing from interfering with the administration of the Apligraf Recall;

(4) enjoining Advanced BioHealing, its officers, agents, servants, employees, and its attorneys, and all those acting in active concert or participation therewith, during the pendency of

this action, from disseminating or engaging in any other negative or disparaging communications regarding the Apligraf Recall;

(5) enjoining Advanced BioHealing, its officers, agents, servants, employees, and its attorneys, and all those acting in active concert or participation therewith, during the pendency of this action, from disseminating or engaging in any other negative or disparaging communications regarding Apligraf;

(6) enjoining Advanced BioHealing, its officers, agents, servants, employees, and its attorneys, and all those acting in active concert or participation therewith, during the pendency of this action, from disseminating or engaging in any negative or disparaging communications regarding Apligraf and the Apligraf Recall;

(7) requiring Advanced BioHealing to identify and disclose to OI within 2 (two) days of service of this Order all individuals and/or entities to whom it sent communications regarding Apligraf or the Apligraf Recall and all correspondence in response from such recipients;

(8) requiring Advanced BioHealing to identify and disclose to OI within 2 (two) days of service of this Order all individuals and/or entities to whom it sent the Advanced BioHealing Communication and the Additional Advanced BioHealing Communication and all correspondence in response from such recipients;

(9) requiring Advanced BioHealing to instruct all employees that they are prohibited from disseminating or engaging in any negative or disparaging communications regarding Apligraf and the Apligraf Recall; and it is further

ORDERED that the a hearing shall be held on the motion for preliminary injunction at the above-stated time and; and it is further

Security the amount of \$ _____ will be paid to _____

ORDERED that OI's Motion for Expedited Discovery is hereby **GRANTED**; and it is further

✓ **ORDERED** that opposition papers, if any, to this motion shall be served upon counsel for Plaintiff for receipt (by hand or electronically) on or before _____, 2008, and it is further

✓ **ORDERED** that personal service of this Order and the papers upon which it is based upon ~~Advanced BioHealing~~ ^{1/25/08} on or before _____, 2008, shall be deemed good and sufficient service.

SO ORDERED


United States District Judge

✓ Dated: 1/24/, New York
January __, 2008

Part I